

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

**FILED/ACCEPTED**

**JAN 28 2009**

In the Matter of

Hate Speech in the Media

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RM Docket No.

Federal Communications Commission  
Office of the Secretary

**PETITION FOR INQUIRY FILED ON BEHALF OF  
THE NATIONAL HISPANIC MEDIA COALITION  
("NHMC")**

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## **SUMMARY**

The National Hispanic Media Coalition ("NHMC") requests that the Commission invite public comment on hate speech in the media, inquire into the extent and nature of hate speech, examine the effects of hate speech, including the relationship between hate speech in the media and hate crimes, and explore options for counteracting or reducing the negative effects of such speech.

Hate speech against vulnerable groups is pervasive in our media – it is not limited to a few isolated instances or any one media platform. Indeed, many large mainstream media corporations regularly air hate speech, and it is prolific on the Internet. Hate speech takes various forms, from words advocating violence to those creating a climate of hate towards vulnerable groups. Cumulatively, hate speech creates an environment of hate and prejudice that legitimizes violence against its targets.

Because the media has a powerful influence over people's behavior and perceptions, it is not mere conjecture that hate speech over the media is producing concrete harms. As they have become the victims of more hate speech in media, hate crimes against Latinos have increased in frequency and in intensity. Indeed, hate crimes against Latinos have increased by 40% in just the last four years. And physical violence is not the only harm suffered at the hand of hate speech – studies show that such speech causes severe emotional and psychological distress to its targets. These harms may be particularly acute for Latino children given that children are uniquely susceptible to messages in the media.

In a September 2008 speech to the Congressional Hispanic Caucus, then-Presidential candidate Barack Obama stated that

This election is about the 12 million people living in the shadows,  
the communities taking immigration enforcement into their own

hands...*they're counting on us to stop the hateful rhetoric filling our airwaves*, rise above the fear and demagoguery, and finally enact comprehensive immigration reform.

NHMC applauds President Obama's commitment to equality and justice, and therefore, respectfully requests that the FCC complement his efforts by initiating an inquiry into hate speech in the media.

The NHMC understands that those who would prefer hate speech to remain under the radar will claim that such an inquiry violates the First Amendment. No doubt they will raise the red herring of the restoration of the "fairness doctrine," trying to divert the attention of the vast majority of Americans who find hate speech reprehensible. NHMC has not, of course, called for any such remedy, but merely the collection of information and data about hate speech in the media. By holding this inquiry, the FCC will shine the harsh light of truth on hate speech that has lurked in the shadows. This can only serve the highest interests of the First Amendment.

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The NHMC asks that the Commission invite public comment on hate speech in the media in local communities, inquire into the extent and nature of hate speech, examine the effects of hate speech, including the relationship between hate speech in the media and hate crimes, and explore options for counteracting or reducing the negative effects of such speech.

President Obama has promised to strengthen existing hate crimes statutes and “reinvigorat[e] enforcement at the Department of Justice’s Criminal Section.”<sup>1</sup> NHMC applauds President Obama’s commitment to equality and justice. However, NHMC believes that to reduce hate crimes, it is also important to address hate speech in the media. Therefore, NHMC respectfully requests that the FCC complement President Obama’s efforts by initiating an inquiry into hate speech in the media.<sup>2</sup>

The FCC has a long history of examining how licensees use their public trust to serve the most vulnerable segments of society. In the past, the FCC has conducted lengthy studies on

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<sup>1</sup> Obama Biden: Civil Rights (2009), [http://origin.barackobama.com/issues/civil\\_rights/](http://origin.barackobama.com/issues/civil_rights/). The act will amend the existing federal hate crimes statute to remove the requirement that victims are targeted while they are engaged in a federally protected activity (such as voting or attending school). H.R. 1592, 111<sup>th</sup> Cong. (2009) S. 1105, 111<sup>th</sup> Cong. (2009). It authorizes the DOJ to assist state and local governments in investigating or prosecuting hate crimes. *Id.*

<sup>2</sup> The NHMC has also asked the National Telecommunications and Information Administration (“NTIA”) to update its 1993 Report on *The Role of Telecommunications in Hate Crimes*, and to work in conjunction with the FCC in these efforts.

children's television programming and the impact on children of certain advertising practices,<sup>3</sup> on the availability of licenses to women and minority owned businesses,<sup>4</sup> on the impact of violent programming on children,<sup>5</sup> and on the link between advertising and childhood obesity.<sup>6</sup> These studies have – in the best First Amendment tradition of scientific inquiry to inspire a “marketplace of ideas in which truth will ultimately prevail”<sup>7</sup> – both informed the public and inspired broadcasters to renew their commitment to serving the public interest.

## **I. PETITIONER NHMC'S INTERESTS**

NHMC is focused on improving the collective media's portrayal of Latino Americans. NHMC has constituents who are viewers, listeners and users of various electronic communications throughout the nation, and who have incurred and are incurring direct harm from hate speech in the media targeting Latinos.

## **II. BACKGROUND**

Hard times often incite a handful of demagogues to blame “others” as the source of trouble. In the past, Catholics, Jews and African-Americans were routinely targeted as convenient scapegoats by those wishing to further their own agendas. But while these vile tactics have found willing followers even in this, the freest and most multicultural nation in the world, the vast majority of Americans have recoiled with revulsion from the effort to brand their fellow Americans as “the source of our misfortune.” But this same generosity of spirit leads

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<sup>3</sup> *Action for Children's Television v. FCC*, 564 F.2d 458 (D.C. Cir. 1977).

<sup>4</sup> Adarand Studies; [http://www.fcc.gov/opportunity/meb\\_study/](http://www.fcc.gov/opportunity/meb_study/) (providing five studies about discrimination and diversity in capital markets and in broadcast).

<sup>5</sup> *Violent Television Programming and Its Impact on Children*, Notice of Inquiry, 19 FCC Rcd. 14394, MB Dkt. 04-261 (Jul. 28, 2004).

<sup>6</sup> Task Force on Media & Childhood Obesity, <http://www.fcc.gov/obesity/> (last visited Jan. 26, 2009).

<sup>7</sup> *Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 390 (1969).

many Americans to believe that we have left these barbarous tactics behind us as the relic of darker days. Because purveyors of hate often take care to present a calmer tone when on mainstream media, few Americans realize just how widespread and damaging these “fringe” hate mongers have become.

In 1992, Congress directed NTIA to examine the “the role of telecommunications in crimes of hate and violent acts against ethnic, religious, and racial minorities” and to report its findings to Congress.<sup>8</sup> After seeking public comment and assistance from the FCC, DOJ and US Commission on Civil Rights, NTIA issued its report, *The Role of Telecommunications in Hate Crimes*, in 1993.<sup>9</sup> The 1993 Report defined hate speech as “words and images that ‘manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.’”<sup>10</sup> The report focused on two types of hate speech: (1) “speech that ‘advocates’ or ‘encourages’ violent acts or crimes of hate,” and (2) “speech that creates a climate of hate or prejudice, which may in turn foster the commission of hate crimes.”<sup>11</sup>

The report examined available data regarding hate speech on radio and television broadcasting, cable public access television, computer bulletin boards, telephone hot lines, and telephone harassment and intimidation. NTIA found only a few instances in which broadcast facilities were used to spread messages of hate and bigotry.<sup>12</sup> It also found a “limited number”

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<sup>8</sup> Telecommunications Authorization Act of 1992, Pub. L. No. 102-538, §135(a), 106 Stat. 3533, 3542.

<sup>9</sup> NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION, DEPARTMENT OF COMMERCE, REPORT TO CONGRESS: THE ROLE OF TELECOMMUNICATIONS IN HATE CRIMES (1993) (“1993 Report”).

<sup>10</sup> *Id.* at 5 (quoting the Hate Crimes Statistics Act, Pub. L. No. 101-275, § (h)(1), 104 Stat. 140 (1990)).

<sup>11</sup> 1993 Report at 6.

<sup>12</sup> *Id.* at v, 10.

of programs on cable public access channels that promoted messages of hate or bigotry.<sup>13</sup> Likewise, it found some examples of the use of computer bulletin boards,<sup>14</sup> telephone hotlines<sup>15</sup> and telephone calls to express hate speech. Nonetheless, the 1993 Report expressed concern that “the media may create an atmosphere that encourages and legitimizes violence against minority groups,”<sup>16</sup> and concluded that the “United States should take steps to combat all forms of prejudice and discrimination, not just those that culminate in a crime, while retaining the virtues of robust debate necessary for a pluralistic society.”<sup>17</sup>

NTIA found that “the available data linking the problem of hate crimes to telecommunications remains scattered and largely anecdotal,” and that it lacked sufficient information to make specific policy recommendations.<sup>18</sup> It also recognized that while “bigotry is antithetical to the basic tenets of this nation, government should address the problem in a manner that protects fundamental liberties, such as those provided under the First Amendment.”<sup>19</sup> Thus, instead of proposing policy measures, NTIA promised to “conduct additional meetings with industry and the public to address” the relationship between telecommunications and hate crimes.<sup>20</sup> It also suggested that telecommunications technologies could help the public block out hateful messages, including caller ID, call trace, and video “lockboxes,” which permit cable subscribers to block out programming at certain times of the day.<sup>21</sup>

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<sup>13</sup> *Id.* at v.

<sup>14</sup> *Id.* at 19.

<sup>15</sup> *Id.* at 23.

<sup>16</sup> *Id.* at 32.

<sup>17</sup> *Id.* at 70.

<sup>18</sup> *Id.* at i-ii.

<sup>19</sup> *Id.* at 33.

<sup>20</sup> *Id.* at ii. To our knowledge, NTIA never followed through on its promise to conduct additional meetings.

<sup>21</sup> *Id.* at ii.

Many changes in society and technology have occurred since NTIA issued its 1993 Report. As demonstrated below, hate speech has increased over broadcast, cable and the Internet since 1993, and is now prevalent even on some mainstream media outlets. Between 1990 and 2006, the number of talk radio stations grew from 400 to 1,400.<sup>22</sup> In fact, unlike in 1993, the talk radio format is now widely-used on stations nationwide.<sup>23</sup> And radio continues to be an influential medium, reaching 90% of Americans every week.<sup>24</sup>

In addition, Internet use has grown tremendously since the 1990s.<sup>25</sup> In 1995, only around 15% of adults were on the Internet, whereas now over 70% are online.<sup>26</sup> Computer bulletin boards have been replaced by websites, chat rooms and social networking. And as shown below, the Internet is often used to spread messages of hate. Moreover, while there are existing technological blocking devices, none have adequately safeguarded the public from hate speech.

Meanwhile, hate crimes against Latinos have increased since 1993, and drastically so since just 2003. Although the number of hate crime offenses based on ethnicity or national origin has remained the same since 2003, anti-Hispanic bias as a motivating factor for such crimes has risen from 42.8% in 2003 to 61.6% in 2007.<sup>27</sup> This rise in anti-Hispanic hate crimes grew simultaneously with the immigration debate and the increased media attention accompanying it.

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<sup>22</sup> JOHN HALPIN, JAMES HEIDBREDE, MARK LLOYD & PAUL WOODHULL, THE STRUCTURAL IMBALANCE OF TALK RADIO: A JOINT REPORT BY THE CENTER FOR AMERICAN PROGRESS AND FREE PRESS, 1, 6 (2007), [http://www.americanprogress.org/issues/2007/06/pdf/talk\\_radio.pdf](http://www.americanprogress.org/issues/2007/06/pdf/talk_radio.pdf).

<sup>23</sup> *Id.* at 1.

<sup>24</sup> *Id.*

<sup>25</sup> Pew Internet & American Life Project, Percentage of U.S. Adults Online, [http://www.pewInternet.org/trends.asp/Internet\\_Adoption\\_Jan\\_2009.pdf](http://www.pewInternet.org/trends.asp/Internet_Adoption_Jan_2009.pdf).

<sup>26</sup> *Id.*

<sup>27</sup> Federal Bureau of Investigation (FBI): Hate crime statistics (2009), <http://www.fbi.gov/ucr/hc2007/victims.htm>.

Thus, it is time to update our knowledge of the role of telecommunication in hate crimes. Indeed, various parties, including many members of Congress, have asked for an update of the 1993 Report. Senator Robert Menendez (D-NJ) wrote a letter to NTIA on December 5, 2007, stating

I am writing to bring your attention to the use of electronic communications and broadcast media to encourage acts of hate crimes or to spread messages of hate. Over the past year, the debate over immigration reform has unfortunately taken a very biased and hateful turn in some of our radio, television, and cable outlets, and I am concerned that this rhetoric could have a harmful effect on the portrayal and safety of our nation's immigrant population, as well as our Latino communities... this [hateful rhetoric] seems to be a growing problem all over our country, in our radio, television, cable, Internet and print media. Such language puts our nation constantly on edge, by fostering hostility among neighbors, and tearing apart unity we all share as Americans, and I am concerned about the impact rhetoric like this could have on increasing hate and hate-related crimes against our nations immigrants, our Latino communities, and other groups targeted by hate rhetoric.<sup>28</sup>

Senator Daniel Inouye (D-HI), and Representatives John Dingell (D-MI) and Edward Markey (D-MA) have also asked for an update.<sup>29</sup> Because the time is now ripe for FCC and NTIA action, the NHMC has sent a copy of this petition and a letter to NTIA asking it to update the 1993 Report.

NHMC notes that such inquiries will be assisted by a soon-to-be-released study by the UCLA Chicano Studies Research Center (CSRC). The study examines one 40-minute

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<sup>28</sup> Letter from Robert Menendez, Senator, to Carlos Gutierrez, former Secretary of Commerce (Dec. 5, 2007), available at <http://www.latinosagainsthatespeech.org/letters.html>.

<sup>29</sup> See Letter from Senator Daniel Inouye, Chairman of Committee of Commerce, Science and Transportation to NTIA (Feb. 7, 2008), available at <http://www.latinosagainsthatespeech.org.letters.html>; see also Letter from Representatives John Dingell and Edward Markey to John M.R. Kneuer, Assistant Secretary of Communications and Information, NTIA (June 15, 2007), available at <http://www.latinosagainsthatespeech.org.letters.html>.

uninterrupted segment from each of the talk radio shows of Lou Dobbs, Michael Savage, and John Kobylt and Kenneth Chiampu using the same definitions of hate speech that were used in the 1993 Report.<sup>30</sup> Preliminary findings released today reveal 334 instances of hate speech in just two of the three 40-minute segments, largely targeting foreign nationals, racial and ethnic minorities, and religious individuals and institutions.<sup>31</sup> The complete study will present a sound, replicable scientific methodology by which to quantify and evaluate hate speech.<sup>32</sup>

### **III. Hate Speech In Media Is Causing Grave Public Harm**

Hate speech targeting Latinos and other vulnerable populations is widespread across the media and is on the rise. Because the media has a powerful influence over people's behavior and perceptions, hate speech over the media may be producing concrete harms. Indeed, the evidence collected by NHMC in support of this Petition shows that such speech, and speech targeting Latinos, creates an atmosphere that condones the commission of hate crimes, and inflicts serious psychological harms to Latinos, in particular Latino children.

#### **A. Hate Speech Aimed At Latinos Is Widespread In The Media**

Hate speech is not limited to a few isolated instances, or any one media platform.<sup>33</sup>

Indeed, many large mainstream media corporations regularly air hate speech, and it is prolific on

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<sup>30</sup> CHON A. NORIEGA & FRANCISCO JAVIER IRIBARREN, HATE SPEECH ON COMMERCIAL TALK RADIO: PRELIMINARY REPORT ON A PILOT STUDY ("CSRC Brief") (2009) at 1. Attached at App. A.

<sup>31</sup> *Id.* at 2.

<sup>32</sup> *Id.* For a description of the categories, see Part III.A.2, *infra*.

<sup>33</sup> Nor does hate speech target only Latinos. The NHMC anticipates that once a hate speech inquiry is opened at the FCC, various groups will weigh in on how hate speech has impacted their communities. In fact, the NHMC has been discussing this issue with various civil rights and media activist groups for almost six months now, including LCCR, Media Access Project, ACLU, Free Press, MALDEF, MMTC, NOW, UCC, Asian American Justice Center, Catholics in Alliance for the Common Good, Anti-Defamation League, Media and Democracy Coalition, GLAAD, LULAC, and the Southern Poverty Law Center, among others.

the Internet. Hate speech takes various forms, from words inciting violence, to those creating a climate of hate towards vulnerable groups. Hate speech has one common outcome: it creates an environment of hate and prejudice that legitimizes violence against its targets.

### **1. Hate Speech Occurs Across A Range Of Media**

Some talk show hosts on radio, television and cable habitually editorialize against immigration by attacking the character and morality of the immigrants themselves. Such attacks also permeate the Internet. Below are just a few of the many examples.

On his Clear Channel radio show, *The Savage Nation*, Michael Savage regularly attacks Latinos. *The Savage Nation* is nationally-syndicated by Premiere Radio Networks, which distributes its shows to over 5,000 stations and reaches 190 million listeners per week.<sup>34</sup> On August 4, 2008, Savage claimed that “illegal immigrants[] are running rampant,” and added, “the Statue of Liberty is crying...she’s been...raped and disheveled by illegal aliens . . . We have to fend for ourself [sic] because the government is not protecting us.” On August 14, 2008, Savage stated that

America is being overrun by an invasion force from Mexico...Is it racist to protect your nation against an invading horde, from another nation that wants to sweep you off the map?... And you think the gang banger with baggy pants is going to pay for your retirement...? [Y]ou’re digging your own grave...[a]ll that’s missing is the worm from the tequila bottle to go with it.<sup>35</sup>

These statements would be bad enough if directed only against those in the country without legal status. But often these pundits do not distinguish between Latino citizens, Latino

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<sup>34</sup> Clear Channel Corporate, *Clear Channel Communications, Inc., Fact Sheet*, available at <http://www.clearchannel.com/Corporate/PressRelease.aspx?PressReleaseID=1564&p=hidden> (last visited Jan. 26, 2009).

<sup>35</sup> Media Matters, [http://mediamatters.org/items/200808180003?f=s\\_search](http://mediamatters.org/items/200808180003?f=s_search) (last visited Jan. 26, 2009); <http://mediamatters.org/items/200808050009> (last visited Jan. 26, 2009).



legal residents, and those in the country illegally. Rather, they use the public airwaves to incite anger and fear against *all* Latinos regardless of legal status – refuting any claim that these comments are “merely” part of the national debate on immigration.

For example, Neal Boortz, whose nationally-syndicated Cox Radio show *The Neal Boortz Show* is broadcast on over 200 stations, in forty-one states and the District of Columbia,<sup>36</sup> habitually editorializes against Latinos regardless of legal status. On April 10, 2008, Boortz said to a caller “you know, I think with this Rosetta Stone – Spanish language software – I think the first phrase they teach you is ... ‘hands against the car and hood and spread ‘em.’” The caller responded: “Right. That it should be.”<sup>37</sup> One cannot interpret this as limited only to “illegals” unless one also believes that all Spanish speakers are here illegally.

Rush Limbaugh, on his nationally-syndicated Premiere Radio Networks show, is also no stranger to hate speech. According to his web-site, *The Rush Limbaugh Show* is the “most listened to talk radio show in America, broadcast on over 600 stations nationwide.”<sup>38</sup> People can also listen to his web-casts online, and his web-site includes numerous editorial pieces.<sup>39</sup> On March 27, 2006, Limbaugh called Mexican immigrants – regardless of legal status – “a renegade, potential criminal element” that is “unwilling to work.”<sup>40</sup>

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<sup>36</sup> Neal Boortz, *The world-famous Internet site of the Nationally Syndicated Neal Boortz Show!*, <http://boortz.com/contact/syndication.html> (listing local stations syndicating Neal Boortz). From this site, those with Internet access can also listen to his web-cast even if they do not receive the show through traditional radio broadcasts.

<sup>37</sup> Media Matters, [http://mediamatters.org/items/200804100005?f=s\\_search](http://mediamatters.org/items/200804100005?f=s_search) (last visited Jan. 26, 2009).

<sup>38</sup> About *The Rush Limbaugh Show*, [http://www.rushlimbaugh.com/home/about\\_the\\_show.guest.html](http://www.rushlimbaugh.com/home/about_the_show.guest.html).

<sup>39</sup> *The Rush Limbaugh Show*, <http://www.rushlimbaugh.com/home/today.guest.html>.

<sup>40</sup> Media Matters, [http://mediamatters.org/items/200603280009?f=s\\_search](http://mediamatters.org/items/200603280009?f=s_search) (last visited Jan. 26, 2009).

Local radio hosts also engage in hate speech. On September 1, 2007, on KGEZ-AM in Montana, John Stokes advocated that those who do not speak English should have their hands chopped off. He went on to pontificate that "Romans 15:19 says that if they break into your country, chop off their leg. We have to forcibly get rid of them!"<sup>41</sup> These statements clearly urge listeners to regard all Latinos – including their fellow citizens – as "enemies" and suitable objects of physical violence.

Hate speech is also prevalent on national cable news networks. A study found that in 2007, CNN's Lou Dobbs linked illegal immigration to crime on ninety-four episodes of *Lou Dobbs Tonight*, that Fox News Channel's Bill O'Reilly did the same on sixty-six episodes of *The O'Reilly Factor*, and that Glenn Beck's CNN Headline News program made the link twenty-nine times.<sup>42</sup> On October 16, 2006, on MSNBC's *Tucker*, radio host Mark Williams asserted that "by and large, the illegal immigrants mainly" are "drug runners, human traffickers" and "people who engage in slavery and prostitution." Host Tucker Carlson responded, "I agree with that."<sup>43</sup>

Hate speech also pervades the Internet. For instance, if one types "I hate spics" into Google.com, the search engine generates 45,300 results. Of the first fifty results, approximately 65% lead to pages containing hateful messages, by way of message boards, blogs, social

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<sup>41</sup> Audio tape: *The John Stokes Show* (KGEZ-AM broadcast on Sep. 1, 2007) (on file with author).

<sup>42</sup> Media Matters Action Network, *Media Matters for America, Fear and Loathing in Prime Time: Immigration Myths and Cable News* (2008) ("Media Matters Report"), available at <http://mediamattersaction.org/reports/fearandloathing/>. Glenn Beck has left CNN Headline News, but will be joining Fox News Channel shortly.

<sup>43</sup> Media Matters, <http://mediamatters.org/items/200610180001> (last visited Jan. 26, 2009).

networking sites, and others.<sup>44</sup> Just one example is the web-site *Why Do I Hate Spics?*, appearing on the first page of search results, which states

[E]very spic has nigger blood in them, and you all already know I hate niggers. Spics steal shit and rape little children. They are trying to take over America by planting their spic seed in it. I can't stand to see spics and my people (the better race) with these spics. Not only does it add more spics to their race but takes away from ours. Let me tell you all. Spics are not whites. They are more niggers than anything. Let them breed with the niggers and destroy their race amongst themselves. Spics are causing problems in this country.<sup>45</sup>

If one types "kill beaners" into the Google search engine, it yields 27,400 results.<sup>46</sup> On the first page of results is a Youtube video, titled *How to Kill Beaners*, a violent video game in which the player kills Latinos and shouts racial slurs and profanity.<sup>47</sup> Unfortunately, these examples do not even scratch the surface of the vast amount of hateful content available to Internet users.

## **2. Speakers Disseminate Various Types Of Hate Speech**

The 1993 Report defined two types of hate speech, that which creates an atmosphere of hate or prejudice and that which advocates violence. Both types of hate speech are now present in our media. The CSRC Brief classifies speech that creates an atmosphere of hate into four categories: (1) false facts, (2) flawed argumentation, (3) divisive language, and (4) dehumanizing metaphors.<sup>48</sup> What follows is one or two examples of speech advocating violence and each speech category in the CSRC Policy Brief.

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<sup>44</sup> See [http://www.google.com/search?hl=en&rlz=1G1GGLQ\\_ENUS301&q=i+hate+spics](http://www.google.com/search?hl=en&rlz=1G1GGLQ_ENUS301&q=i+hate+spics) (first five pages of search results attached as App. B). These results are not uncommon. "I hate wetbacks" yields 26,100 results, 68% of the first fifty hits contain hateful messages. "I hate beaners" yields 50,900, 54% of the first fifty hits are hateful.

<sup>45</sup> <http://dirtyspics.wordpress.com/2008/02/15/why-do-i-hate-spics/>.

<sup>46</sup> See [http://www.google.com/search?hl=en&rlz=1G1GGLQ\\_ENUS301&q=Kill+beaners](http://www.google.com/search?hl=en&rlz=1G1GGLQ_ENUS301&q=Kill+beaners).

<sup>47</sup> <http://www.youtube.com/watch?v=feg3dfS50il>.

<sup>48</sup> CSRC Brief at 2-3.

**False facts:** False facts include incorrect, exaggerated, or de-contextualized facts.<sup>49</sup>

- CNN's Lou Dobbs, blamed illegal immigrants for an alleged 7,000 new cases of leprosy (technically known as Hansen's disease) in the United States in the 3-year period from 2002-2005.<sup>50</sup> Dobbs has discussed leprosy in the context of illegal immigration ten times since 2005.<sup>51</sup> Yet according to data from the National Hansen's Disease Program (NHDP) of the Department of Health and Human Services, there were just 398 cases of leprosy in the United States between 2002 and 2005, and 7,000 is actually the number of leprosy cases in the U.S. in the last *thirty* years.<sup>52</sup>

**Flawed argumentation:** Flawed argumentation exists in seven different species: ad hominem, guilt by association, hidden assumptions or missing premises, 'straw men,' appeal to fear, fallacious appeal to authority, and innuendo.<sup>53</sup>

- On his radio show, on March 27, 2006, Savage made an attempt to evoke fear in his listeners when he stated that Americans are "being displaced by the people of Mexico. This is an invasion. The illegal aliens come here not to work, but to work the system, sell drugs, rape and kill on contract."<sup>54</sup>
- In another attempt to fear-monger, on April 15, 2005, on his nationally-syndicated Westwood One radio program, *The Radio Factor with Bill O'Reilly*, O'Reilly agreed with a caller that illegal immigration "has the same impact as a major terrorist attack" that surpasses the impact of 9-11, and that immigrants are "biological weapon[s]."

**Divisive language:** This occurs when hosts group social agents' worldviews into an "us versus them" framework.<sup>55</sup>

- On May 10, 2006, on his radio show, Savage claimed that "[t]he immigrants, when they take over America, won't be as enlightened as the (European) people running America today. There is a racial element to the 'immigration invasion.'" He then said that "we're going to lose our nation unless one million people go to the border." On October 13,

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<sup>49</sup> *Id.* at 2.

<sup>50</sup> Media Matters Report, *supra* note 42.

<sup>51</sup> *Id.*

<sup>52</sup> National Hansen's Disease Program, U.S. Dep't of Health and Human Services, Number of U.S. Hansen's Disease Cases by Year (2006), *available at* <http://www.hrsa.gov/hansens/data/uscases1824.htm> (last visited Jan. 26, 2009).

<sup>53</sup> CSRC Brief at 2.

<sup>54</sup> A 2005 study found that the respective rates of violence of Latinos and whites are approaching the same point. Indeed, Mexican Americans were found to have a lower rate of violence than whites. Robert Sampson, *et al.*, *Social Anatomy of Racial and Ethnic Disparities in Violence*, AM. J. PUB. HEALTH, February 2005, at 224-232, *available at* [http://www.wjh.harvard.edu/soc/faculty/sampson/articles/2005\\_AJPH.pdf](http://www.wjh.harvard.edu/soc/faculty/sampson/articles/2005_AJPH.pdf).

<sup>55</sup> CSRC Brief at 3.

2006, Savage added, “these immigrants don’t have morals that are similar to those of Americans. They haven’t even gone through the Middle Ages. They’re never going to be compatible with America. They’re never going to assimilate.”

**Dehumanizing metaphors:** Hosts often use metaphors to evoke messages relating to warfare, heroism, “enemies, biblical characters, criminality, persecution, corruption, evil, animality, disease, and conspiracy.”<sup>56</sup>

- On April 10, 2006, Savage animalized illegal aliens when he called them “vermin.”
- On April 1, 2005, Limbaugh did the same when he described illegal immigrants as an “invasive species.”

In considering these four different types of hate speech, it is important to note how they work together to create a climate of hate, so that the whole is greater than the sum of the parts.

CSRC’s Brief concludes, the “preliminary analysis reveals a systematic and extensive use of false facts, flawed argumentation, divisive language, and dehumanizing metaphors that are directed toward specific vulnerable groups.”<sup>57</sup>

Below is an example of the other type of hate speech discussed in the 1993 Report, speech that advocates violence.

**Speech advocating violence:**

- Neo-Nazi radio host Hal Turner made an appeal on his web-site in March 2006 for people to carry out the mass murder of any “illegal aliens” sighted. “All of you who think there’s a peaceful solution to these invaders are wrong. We’re going to have to start killing these people. I advocate using extreme violence against illegal aliens. Clean your guns. Have plenty of ammunition. Find out where the largest gathering of illegal aliens will be near you. Go to the area well in advance, scope out several places to position yourself and then do what has to be done.” Turner posted a link to the site “Ka-Fucking Boom!” that provides detailed information on how to make explosive devices.<sup>58</sup>

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Susy Buchanan & David Holthouse, *Extremists advocate murder of immigrants, politicians*, Southern Poverty Law Center Intelligence Project (Mar. 30, 2006), available at <http://www.splcenter.org/intel/news/item.jsp?aid=49>. To view Turner’s web-site, go to <http://web.archive.org/web/20060326213206/http://www.haltturnershow.com/index.html>.

## **B. The Media Influences Society's Behaviors and Perceptions**

Representative Joe Baca (D-CA) has pointed out that “[w]ords matter and words have power. One-sided rhetoric can lead other programs to cite opinions as fact and adopt polarizing word choices as the standard.”<sup>59</sup> Research and history show that this is true. In a study on polarization of views, researchers found that “[a]s a result of deliberation with like-minded others, liberals became more liberal and conservatives became more conservative ... discussions by like-minded group members fueled greater extremism, and increased divisions between liberals and conservatives.”<sup>60</sup>

There is ample opportunity for this phenomenon to be intensified by the media. Television is pervasive in American culture and has a profound effect on the American public.<sup>61</sup> As one scholar has noted, “[t]he millions spent by advertisers attests to the belief that the media affect personal attitudes toward products and services. It is unlikely that the media have no similar effect on racial and ethnic perceptions.”<sup>62</sup> Indeed one study has shown that “bias can be exacerbated or mitigated by the information environments we inhabit,”<sup>63</sup> and that “consuming negative images can exacerbate implicit bias.”<sup>64</sup>

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<sup>59</sup> Elana Schor, *Hispanic congressmen demand corporate action against CNN host*, GUARDIAN NEWS AND MEDIA LIMITED, Apr. 28, 2008, at <http://www.guardian.co.uk/world/2008/apr/28/usa.television>.

<sup>60</sup> David Schkade, Cass R. Sunstein & Reid Hastie, *What Happened on Deliberation Day*, 95 CAL. L. REV. 915, 940 (2007).

<sup>61</sup> According to a 2002 survey, watching television is the most popular way to spend an evening – three times more popular than spending time with friends. *Power in Your Hand*, ECONOMIST, Apr. 13, 2002, at 3.

<sup>62</sup> Michael J. Polelle, *Racial and Ethnic Group Defamation: A Speech-Friendly Proposal*, 23 B.C. THIRD WORLD L.J. 213, 220 (2003).

<sup>63</sup> Jerry Kang, *Trojan Horses of Race*, 118 HARV. L.REV. 1489, 1557 (2005).

<sup>64</sup> *Id.* at 1561.

Recent history, too, demonstrates that the media can be harnessed to create an atmosphere of hate that legitimizes violence. Prior to the Rwandan genocide in 1994, radio proved a powerful tool to validate the killings. In language strikingly similar to that used by modern day American shock jocks, Rwandan perpetrators were able to validate their message to the masses.<sup>65</sup> References on Rwandan radio to the Tutsis as *iyenzi* (cockroaches); to the inherent differences between Hutu and Tutsi; to the cleverness of the Tutsi in infiltration, their cruelty, and their cohesiveness; and to the Tutsi intention of restoring past repression, may be compared to the language used in America against immigrants today: encouraging people to turn in their cockroach immigrant neighbors (Operation Cuca Gotcha – promoted by Craig Carton and Ray Rossi on New Jersey's 101.5 WKXW-FM);<sup>66</sup> warning that a Mexican army will take over the country (Savage); comparing immigrants to biological weapons because they bring tuberculosis, syphilis, and leprosy (caller on *O'Reilly Radio Show*); and suggesting we give each immigrant nuclear waste to carry back to Mexico with them to heat tortillas (Neal Boortz).

**C. As They Have Become The Victims Of More Hate Speech In Media, Hate Crimes Against Latinos Have Increased In Frequency And Intensity**

Given that the media has the power to influence society's behavior, and that the media is being used to breed an atmosphere of hate towards Latinos, it appears that the hate speech discussed above has been a factor in the 40% rise in hate crimes targeting those of Hispanic ethnicity in just the last few years.<sup>67</sup> A recently released FBI report shows that while hate crimes

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<sup>65</sup> Alison Desforges, Human Rights Watch, *Leave None to Tell the Story: Genocide in Rwanda* (1999).

<sup>66</sup> Fairness and Accuracy in Reporting, [http://www.fair.org/index.php?page=228media\\_view\\_id=8554](http://www.fair.org/index.php?page=228media_view_id=8554) (last visited Jan. 26, 2009).

<sup>67</sup> *Hate Crimes: Anti-Latino Hate Crimes Up for Fourth Year*, INTELLIGENCE REPORT, Winter 2008, <http://www.splcenter.org/intel/intelreport/article.jsp?aid=990>. In addition to the rise in

(continued on next page)

dropped overall between 2006 and 2007, incidents targeting people because of their ethnicity or national origin rose 2.3% (to include 1,347 victims in just one year).<sup>68</sup> Crimes instigated by ethnicity or national origin made up 13.2% of incidents nationally. Most relevantly, 61.6% of the victims of hate crimes motivated by the offender's bias towards a particular ethnicity/national origin were targeted because of an anti-Hispanic bias, while 38.4% were victimized because of a bias against other ethnicities/national origins.<sup>69</sup> Evidence suggests that many of these crimes against Hispanics were committed because of a clear anti-Latino bias,<sup>70</sup> and the victims of these crimes are not just immigrants – many are legal residents and United States citizens. Indeed evidence shows that perpetrators of anti-Latino hate crimes do not differentiate between illegal immigrants and Latinos who are U.S. citizens or legal residents.<sup>71</sup>

However, these crimes are not just numbers on a page – they physically harm and often kill innocent people. Below are examples of a few of the most recent hate crimes.<sup>72</sup>

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(footnote continued)

hate crimes, the number of hate groups has increased dramatically over the past several years. The Southern Poverty Law Center estimates that there are now 888 active hate groups across the United States. SPLCenter.org, Active U.S. Hate Groups, *available at* <http://www.splcenter.org/intel/mcp/hate.jsp> (last visited Jan. 27, 2009).

<sup>68</sup> *Id.* Civil rights expert Mark Potok of the Southern Poverty Law Center has noted that the statistics currently available are compilations of state statistics as mandated by federal law, and are “notoriously sketchy” due to problems in the voluntary reporting system. Mark Potok, Southern Poverty Law Center, Anti-Latino Hate Crimes Rise for Fourth Year in a Row (2008), *available at* <http://www.splcenter.org/blog/2008/10/29/>. Many victims fail to report hate crimes to police and it is likely that large numbers of immigrants who fear deportation are among this group. Posting of Mark Potok to Hate Watch, <http://www.splcenter.org/blog/2008/10/29> (Oct. 29, 2008).

<sup>69</sup> Federal Bureau of Investigation, U.S. Dep’t of Justice, 2007 Hate Crime Statistics (2007), *available at* <http://www.fbi.gov/ucr/hc2007/victims.htm>.

<sup>70</sup> Many hate speech targets report receiving hateful calls and letters, including threats of violence and death. RICHARD DELGADO & JEAN STEANCIC, UNDERSTANDING WORDS THAT WOUND 167-68 (2004).

<sup>71</sup> *See, supra* at Part III.A.1.

<sup>72</sup> Appendix C to this petition includes more examples. *See* App. C.



On December 7, 2008, in Queens, New York, Jose Sucuzhanay, 31, a legal resident raising two children, was savagely beaten by four men because of the color of his skin and because they thought he was gay. The perpetrators smashed Mr. Sucuzhanay over the head with a bottle, hit him in the head with a bat, and kicked him.<sup>73</sup> Just one month prior to the Suchuzhanay murder, in Patchogue, New York, 37-year-old Marcelo Lucero was brutally killed by seven teenagers,<sup>74</sup> ages 16-17.<sup>75</sup> Six of the seven teens are now charged with multiple counts of gang assault and hate crimes.<sup>76</sup> And Mr. Lucero was not the first “Mexican” whom the boys had targeted that day. Earlier two of the teens had fired a BB gun at a Hispanic man from their car, striking him several times, and all seven of them had together beaten a third Hispanic man who was able to escape.<sup>77</sup>

Teenagers committed yet another hate crime in Shenandoah, Pennsylvania on July 12, 2008. The perpetrators beat 25-year-old Luis Eduardo Ramirez Zavala to death, called him a “spic” and yelled things like: “This is Shenandoah. This is America. Go back to Mexico.” According to witnesses, the perpetrators punched Mr. Ramirez in the head, knocking him down and causing him to hit his head on the roadway. They then collectively kicked him to the point

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<sup>73</sup> *Brother Declared Dead After Attack*, ABCLOCAL.COM, (Dec. 9, 2008), available at <http://abclocal.go.com/wabc/story?section=news/local&id=6546253>.

<sup>74</sup> Disturbingly, many of the recent anti-Latino hate crimes have been committed by teenagers, perhaps because they are particularly susceptible to misinformation and hate spread through the media. See, *infra* at Part III.E.

<sup>75</sup> Kirk Semple, *A Killing in a Town Where Latinos Sense Hate*, N.Y. TIMES, Nov. 13, 2008, at A25.

<sup>76</sup> Cara Buckley, *Teenagers' Violent 'Sport' Led to Killing on Long Island, Officials Say*, N.Y. TIMES, Nov. 20, 2008, at A26.

<sup>77</sup> *Id.*

where he was foaming at the mouth and convulsing so feverishly that “he was bouncing off the ground.”<sup>78</sup>

Just two months later, another hate crime occurred in Shenandoah. Javier Alcala Jr., 21, was beaten by three men who duct-taped and blindfolded him. According to Mr. Alcala, three skinheads beat him on the head with a metal object, bound and blindfolded him with duct tape, and then tortured him. He says the men used a drill and a torch to terrorize him. He was beaten unconscious, and suffered a head injury, damaged teeth, bruises, and an arm injury.<sup>79</sup>

#### **D. Hate Speech May Also Provoke Psychological Harm To Latinos**

In addition to the increase in hate crimes, research suggests that hate speech could also contribute to other societal harms. Because hate speech fosters feelings of inferiority, over time, its cumulative impact may produce a society in which race will become “a badge of inferiority and justification for the denial of opportunity and equal treatment.”<sup>80</sup>

Scholars have also noted the harmful mental and emotional effects that hate speech has on its recipients. Victims of hate speech often suffer severe emotional and physiological distress.<sup>81</sup> “Race-based stigmatization is... ‘one of the most fruitful causes of human misery.

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<sup>78</sup> Regina Medina, *Attack in Shenandoah Follows Immigrant's Fatal July Beating*, THE PHILADELPHIA DAILY NEWS, Sept. 17, 2008.

<sup>79</sup> *Another Attack in Shenandoah Follows Beating Death of Mexican Immigrant*, LA VOZ DE AZTLAN, Sept. 17, 2008, [http://www.aztlan.net/another\\_attack\\_in\\_shenandoah.htm](http://www.aztlan.net/another_attack_in_shenandoah.htm).

<sup>80</sup> *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, in CRITICAL RACE THEORY: THE CUTTING EDGE. 131, 131 (Richard Delgado & Jean Stefancic eds. Temple University Press 2d Ed. 2000).

<sup>81</sup> Mari J. Matsuda, Charles R. Lawrence, III, Richard Delgado & Kimberle Williams Crenshaw, WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH, AND THE FIRST AMENDMENT 24 (1993); *see also id.* at 26 (citing GORDON W. ALLPORT, THE NATURE OF PREJUDICE 461-78 (1954); HARRY H.L. KITANO, RACE RELATIONS 113-14 (1974); HOWARD SCHUMAN, CHARLOTTE STEEH & LAWRENCE D. BOBO, RACIAL ATTITUDES IN AMERICA 137 (1985)).

Poverty can be eliminated – but skin color cannot.”<sup>82</sup> Victims are attacked based on factors that they cannot alter. “The suffering [a victim of hate speech faces]... may be aggravated by a consciousness of incurability and even blameworthiness, a self-reproaching which tends to leave the individual still more aware of his loneliness and unwantedness.”<sup>83</sup>

Moreover, the negative images that hate speech creates can be internalized by Latinos, shaping their identities. Researchers have noted that “accumulating evidence suggests that ethnopaulisms may serve as a general risk factor for psychological and somatic dysfunction,” as hate speech may influence health “through exclusion, leading to poverty, segregation into unhealthy environments, reduced access to health care, and employment and educational policies that discriminate against stigmatized groups.”<sup>84</sup> In addition, statistics show that ethnic immigrant groups subjected to hate speech are more likely to commit suicide than other groups.<sup>85</sup>

**E. Children and Teenagers Are Acutely Influenced By Hate Speech**

The physical and psychological harms that result from an atmosphere of hate are felt even more intensely by children and teenagers. Former FCC Commissioner Gloria Tristani observed that when the media advocates shooting illegal immigrants that it creates “stereotypes [that] have an impact, especially on our children.”<sup>86</sup> It has long been of special concern that electronic

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<sup>82</sup> *Id.* at 90.

<sup>83</sup> *Id.* (citing Oliver Cromwell Cox, *CASTE, CLASS AND RACE* 383 (1948)).

<sup>84</sup> Brian Mullen and Joshua M. Smyth, *Immigrant Suicide Rates as a Function of Ethnophaulisms: Hate Speech Predicts Death*, 66 *PSYCHOSOMATIC MEDICINE* 343 (2004).

<sup>85</sup> *Id.* The study was controlled for ethnic group size and the suicide rates in their countries of origin.

<sup>86</sup> Gloria Tristani, Former Comm’r, Fed. Commc’ns Comm’n, Keynote Address at National Hispanic Media Coalition (Jan. 28, 2000), *transcript available at* <http://www.fcc.gov/Speeches/Tristani/2000/spgt002.html>.

media have a particularly strong influence on children and teenagers since they are not yet fully developed cognitively.<sup>87</sup> Studies have confirmed that television influences how children think and behave. The National Institute of Mental Health identified these major effects of seeing violence on television: children may become less sensitive to the pain and suffering of others, children may be more fearful of the world around them, and children may become more likely to behave in aggressive or harmful ways toward others.<sup>88</sup> In a similar vein, a recent study found a strong association between sexual conduct viewed by teenagers on television and teen pregnancy rates.<sup>89</sup>

Children of surprisingly young ages are shaped by images of race and gender in the media. Indeed, studies reveal that children as young as three understand concepts such as race and racism.<sup>90</sup> A new study found that one in four children thought it was illegal for a woman or minority to be president, while one in three attributed the lack of female or minority presidents to gender and racial bias.<sup>91</sup> The study also found that one third of children thought members of the

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<sup>87</sup> Children's Television Act of 1990, 47 U.S.C. §§ 303a-303b & § 394. *See also*, H.R. REP. NO. 101-385 (1989), S.REP. NO. 101-66 (1989). *See also*, Albert Bandura, *Influence of Models' Reinforcement Contingencies on the Acquisition of Imitative Responses*, 1 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 589 (1965); *see also* Michele L. Ybarra et al., *Linkages Between Internet and Other Media Violence With Seriously Violent Behavior by Youth*, 122 PEDIATRICS 929 (2008).

<sup>88</sup> NATIONAL INSTITUTE OF MENTAL HEALTH, U.S. DEP'T OF HEALTH AND HUMAN SERVS., TELEVISION AND BEHAVIOR: TEN YEARS OF SCIENTIFIC PROGRESS AND IMPLICATIONS FOR THE EIGHTIES, Vol. 1 (1982).

<sup>89</sup> Anita Chandra et al., *Does Watching Sex on Television Predict Teen Pregnancy? Findings From a National Longitudinal Survey of Youth*, 122 PEDIATRICS 1047 (2008).

<sup>90</sup> DEBRA VAN AUSDALE & JOE R. FEAGIN, THE FIRST R: HOW CHILDREN LEARN RACE AND RACISM at 26 (2001).

<sup>91</sup> *Children See Prejudice in Absence of Women, Minority Presidents*, Gender Pub. Advocacy Coal., October 22, 2008, available at

<http://www.gpac.org/archive/news/index.html?cmd=view&archive=news&msgnum=0729>  
(discussing a team of researchers at the Gender and Racial Attitudes Lab at the University of  
(continued on next page)

excluded groups lacked the skills necessary to hold the office of president, while others expressed the belief that prejudice informed the way adults voted.<sup>92</sup> If media violence, sex, and stereotypes influence young people, surely hate speech in the media may also have a negative impact on their development.

And the media is now more accessible to children than ever before. A 2005 Kaiser Family Foundation study revealed that children between the ages of two and eighteen spend an average of more than six hours per day using some form of media, and are exposed to media more than eight hours per day, as they often are engaged with more than one type of media at once.<sup>93</sup> Indeed in-home Internet usage has risen from 47% penetration in 1999, to 74% in 2004.<sup>94</sup> The study concluded that “[y]oung people in the U.S inhabit an environment that is not just media rich – it is media saturated.”<sup>95</sup>

#### **IV. The FCC Should Examine The Extent, Effects And Possible Remedies To Counteract Hate Speech Over The Media**

Given that hate speech in media is creating an atmosphere of hate that may well physically and psychologically harm Latinos as well as other vulnerable groups, the FCC should address this problem by issuing a notice of inquiry. Such an inquiry would provide a much needed follow-up to NTIA’s 1993 Report and would serve the public interest in protecting lives

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(footnote continued)

Texas Austin who interviewed 205 children between the ages of five and ten. They questioned the children about their knowledge and beliefs of U.S. presidents).

<sup>92</sup> *Id.*

<sup>93</sup> KAISER FAMILY FOUNDATION STUDY, GENERATION M: MEDIA IN THE LIVES OF 8-18 YEAR-OLDS (2005), at 36, *available at* <http://www.kff.org/entmedia/upload/Generation-M-Media-in-the-Lives-of-8-18-Year-olds-Report.pdf>.

<sup>94</sup> *Id.* at 10.

<sup>95</sup> *Id.* at 20.

and preventing damage to the young.<sup>96</sup> The inquiry should ask for public comment on hate speech in the media, inquire into the extent and nature of hate speech, examine the effects of hate speech, including the relationship between such speech in the media and hate crimes, and explore options for counteracting or reducing the negative effects of such speech.

In addition to its broad rulemaking authority under Section 1.401(a) of its rules, the Commission also has authority pursuant to Section 403 of the Communications Act to initiate an investigation into issues that relate to or may arise under any provision of the Act.<sup>97</sup> The FCC has the authority to obtain information “necessary to discharge its proper functions,” including inquiries aimed at practices that undermine the public interest or investigation of facts necessary to make reasonable public policy or rule decisions.<sup>98</sup> Here, hate speech undermines the public interest insofar as it creates an “atmosphere that encourages and legitimizes violence against minority groups.”<sup>99</sup>

The NHMC understands that those who would prefer hate speech to remain under the radar will claim that such an inquiry violates the First Amendment. No doubt they will raise the red herring of the restoration of the “fairness doctrine,” trying to divert the attention of the vast

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<sup>96</sup> Indeed, to the extent that hate speech contains false and misleading information, it frustrates the public interest in an informed democracy. The FCC has a long history of concern over distortion in the news media. The news distortion policy states that “rigging or slanting the news is a most heinous act against the public interest.” *Complaints Covering CBS Program “Hunger in America,”* 20 FCC 2d 143 (1969). Initiation of this inquiry would directly further the public interest in an informed democracy, because it will uncover any misinformation about immigrants, and provide an outlet for the public to participate in the discussion more effectively.

<sup>97</sup> *Applications of William A. Chapman et al.*, 34 FCC 2d 299 (the rule does not state that there has to be an actual violation of the Act for an inquiry to be initiated).

<sup>98</sup> *Stahlman v. FCC*, 126 F.2d 124, 127 (D.C. Cir. 1942). *See also*, 47 U.S.C. § 154(i) (2008) (stating that the “Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions”).

<sup>99</sup> 1993 Report at 32.

majority of Americans who find hate speech reprehensible. NHMC has not, of course, called for any such remedy, but merely the collection of information and data about hate speech in the media. By holding this inquiry, the FCC will shine the harsh light of truth on hate speech that has lurked in the shadows. This can only serve the highest interests of the First Amendment. The NHMC believes a solution can be reached that strikes a balance between our nation's esteem for free speech and America's promise of life, liberty and justice.<sup>100</sup>

## V. CONCLUSION

Wherefore the NHMC requests that the Commission issue a notice of inquiry to examine the extent, the effect, and possible remedies to hate speech over the media.

Respectfully Submitted,

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<sup>100</sup> For example, NTIA suggested that hate speech could be countered by more speech and that technologies could empower or protect targets of hate speech. 1993 Report at 38, 60. It might also be possible to address some of these concerns through self-regulation.

## APPENDIX A





# LATINO POLICY & ISSUES BRIEF

N O . 2 2 F E B R U A R Y 2 0 0 9

## HATE SPEECH ON COMMERCIAL TALK RADIO PRELIMINARY REPORT ON A PILOT STUDY

by

**Chon A. Noriega and Francisco Javier Iribarren**

In October 2008 the Federal Bureau of Investigation released its most recent set of annual hate crime statistics. Of the 8,999 single-bias hate crime offenses in 2007, two-thirds (66.5 percent) were motivated by race and ethnicity/national-origin biases, a number that has remained more or less constant since 2003. Also little altered is the fact that anti-Black bias still accounts for more than half of offenses motivated by race and ethnicity/national-origin biases and for the largest share of total offenses (36.4 percent).

Yet change is evident: among offenses motivated by ethnicity/national-origin bias, the percentage of offenses based on anti-Hispanic bias has risen steadily, from 42.8 percent in 2003 to 61.7 percent in 2007 (FBI 2008). This increase may be linked in part to the media: about 64 percent of Latinos report that the immigration debate has negatively affected their lives (Pew Hispanic Center 2007). This statistic led us to ask whether the media plays a role in the persistence of hate speech and hate crimes. In 1992 Congress directed the National Telecommunications and Information Administration

(NTIA) to study speech that advocates or encourages hate crimes. The NTIA's 1993 report establishes a definition of hate speech, but does not establish a scientific methodology to quantify hate speech (U.S. Department of Commerce 1993). To better assess the presence of hate speech in the media, we developed a research method to quantitatively evaluate the occurrence of hate speech in one particular media sector: commercial talk radio. This brief reports on a pilot study that will be completed in the spring of 2009.

### THE PILOT STUDY

We chose radio for our study because it has the greatest penetration of any media outlet (print, broadcast, or digital), reaching 90 percent of Americans each week, and we focused on talk radio because the news-talk format is the predominant radio format in terms of dedicated stations nationwide (over 1,700). We decided to look specifically at conservative talk radio, which accounts for 91 percent of total weekday talk radio programming (Halpin et al. 2007).

Three programs were selected for the pilot study: Lou Dobbs's *The Lou Dobbs Show*, Michael Savage's *The Savage Nation*, and John Kobylt and Kenneth Chiampu's *The John & Ken Show*. Each represents a different type of commercial talk radio. Lou Dobbs is an example of a high-profile host who broadcasts on multiple media platforms (radio and television). *The Savage Nation* is a prominent example of popular syndicated

Table 1. Analysis of Hate Speech from *The John & Ken Show***EXAMPLE**

"And this is all under the Gavin Newsom administration and the Gavin Newsom policy in San Francisco of letting underage illegal alien criminals loose" (from the July 21, 2008, broadcast).

**TARGETS**

Vulnerable group: foreign nationals (undocumented people).

Social institutions: policy and political organizations (city policy and mayor's office).

**FALSE FACTS**

The sanctuary policy preceded Gavin Newsom's tenure as San Francisco's mayor, and neither Newsom nor the sanctuary policy supports "letting underage illegal alien criminals loose."

**FLAWED ARGUMENTATION**

Guilt by association is used to make the hosts' point. Undocumented youth and those who are perceived as their endorsers at the institutional level are stigmatized by being associated with criminality.

**DIVISIVE LANGUAGE**

Criminalized undocumented youth and their perceived validators (Gavin Newsom and the sanctuary policy) are depicted as a threat to San Francisco citizens, setting up an "us versus them" opposition.

**ANALYSIS**

The language depicts the hosts' targets (undocumented people, city policy, and Mayor Gavin Newsom) as dangerous, criminal, and collusive. In addition, the focus of that policy (undocumented people) becomes reduced to "underage illegal alien criminals."

talk radio. *The John & Ken Show*, which originates from KFI-AM in Los Angeles and has a national listenership, represents successful local-market talk radio.

The research method that we developed to evaluate the presence of hate speech employs qualitative content analysis, which allows larger themes to be identified through the examination of patterns within the research data (see Barrett 2007; Mayring 2000). Five trained readers (undergraduate and graduate students) examined the transcript of one forty-minute uninterrupted segment from each of the three programs; all programs were broadcast in July 2008. The readers coded and, working in conjunction with the investigators, analyzed the transcripts, then produced a conceptual map that illustrates the relationship between sources and targets—basically, who says what to whom and for what purpose.<sup>1</sup> To ensure high levels of interrater reliability, the readers relied on a consensus method to determine which items represented instances of hate speech.

Based on the conceptual map, we developed categories for targets of and types of hate speech. These categories are

based on the NTIA's definition of hate speech as either (1) "words that threaten to incite 'imminent unlawful action,' which may be criminalized without violating the First Amendment"; or (2) "speech that creates a climate of hate or prejudice, which may in turn foster the commission of hate crimes" (U.S. Department of Commerce 1993).

**PRELIMINARY FINDINGS**

Our initial findings are based on data from two of the forty-minute programs. Even using this limited sample, the qualitative content analysis produced rich results. Findings fall into two areas: targets of hate speech and types of hate speech.<sup>2</sup>

*Targets of Hate Speech*

Our analysis yielded no instances of the first kind of hate speech, which calls for "immediate unlawful action," but we did identify and develop categories for six distinct targets of the second kind, which creates "a climate of hate and prejudice." Three of the six represent vulnerable groups: foreign nationals, racial and ethnic minorities, and individuals and institutions identified with a religious belief. The other three represent social

institutions viewed as being complicit with these vulnerable groups: policy and political organizations, the media, and the criminal justice system. A more extensive sampling from these programs might reveal additional targets of hate speech—for example, groups and institutions identified with a sexual orientation.

What is of note here is that the social institutions that were targeted were linked to specific vulnerable groups of individuals. An institution's perceived support for a vulnerable group was depicted as detrimental to society at large or to American values. Consequently, the vulnerable groups become coded as powerful and dangerous.

*Types of Hate Speech*

We identified four types of speech that, through negative statements, create a climate of hate and prejudice: (1) false facts, (2) flawed argumentation, (3) divisive language, and (4) dehumanizing metaphors (table 1). Below are the data, categorized by speech type, that were drawn from the two broadcasts. These eighty minutes of radio programming contained 334 instances of hate speech.<sup>3</sup>

- *False Facts.* False statements were extensively used to validate the hosts' points and to promote public opinion. We identified 33 instances where the use of simple falsehoods, exaggerated statements, or decontextualized facts rendered the statements misleading.
- *Flawed Argumentation.* We identified 77 instances of flawed argumentation. These were further categorized by flaw: *ad hominem* (34 instances), guilt by association (13 instances), hidden assumption or missing premise (12 instances), misrepresentation of opponent's position (6 instances), appeal to fear (5 instances), fallacious appeal to authority (4 instances), and innuendo (3 instances).

- *Divisive Language.* Social agents were frequently placed into an "us versus them" framework. We found 49 identifiable individuals and entities that were presented as antithetical to the talk show hosts' worldview. These contrasted with 30 identifiable individuals and entities that represented the hosts' worldview.
- *Dehumanizing Metaphors.* We identified 185 dehumanizing metaphors, which often evoked warfare, enemies, biblical characters, criminality, persecution, corruption, evil, animality, disease, and conspiracy. These metaphors were used to draw a contrast between a target and the talk show hosts, their guests, their audience, and/or the values and positions they represent.

#### CONCLUSION

The goal of this pilot study is to develop a sound, replicable methodology that can be used to establish the nature and extent of hate speech in the media. The study does not attempt to determine a causal relationship between hate speech in the media and the commission of hate crimes, and we do not aim to make more-general claims about the media or these programs, which would follow from a full-scale study. The pilot study will establish data-driven descriptive codes, or categories, and a baseline for future research.

The preliminary analysis reveals a systematic and extensive use of false facts, flawed argumentation, divisive language, and dehumanizing metaphors that are directed toward specific vulnerable groups. Thus far, the data show a recurring rhetorical pattern in which vulnerable groups were identified as antithetical to the core values attributed by the host to himself, his audience, and the nation. These groups were then linked to social institutions that were presented as complicit. In effect, target groups are characterized as a direct threat to the listeners' way of life.

The final report will:

- Quantify and analyze specific instances of hate speech.
- Quantify and analyze both explicit and implicit calls to action against vulnerable groups.
- Identify and analyze the rhetorical patterns that utilize hate speech and explicit and implicit calls to action against vulnerable groups.

#### NOTES

Otto Santa Ana, associate professor in the UCLA César Chávez Department of Chicana and Chicano Studies, is a research consultant on this project.

1. Although the term *target* is associated with metaphor analysis, we use it to encompass various types of hate speech, including metaphors.

2. These results are preliminary and are subject to further analysis. The final report will provide

definitive figures for all three programs.

3. The final report will include a cumulative and comparative analysis of all three programs, together with detailed tables for the four types of hate speech.

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<b>SOURCE</b>	"Quantifying Hate Speech on Commercial Talk Radio: A Pilot Study," Chon A. Noriega and Francisco Javier Iribarren, principal investigators. Media Matters Action Network, a not-for-profit media monitoring organization, provided audio files and transcripts for <i>The Savage Nation</i> for July 21-31, 2008.
<b>FUNDERS</b>	This research project is a partnership between the UCLA Chicano Studies Research Center and the National Hispanic Media Coalition. It is supported in part by a grant from the Necessary Knowledge for a Democratic Public Sphere Program of the Social Science Research Council, with funds provided by the Ford Foundation.

## HATE SPEECH ON COMMERCIAL TALK RADIO

This policy brief presents initial findings from a pilot study on hate speech in the media. The goal of the study is to develop a research method for the quantitative evaluation of hate speech. The preliminary data reveal a systematic and extensive use of false facts, flawed argumentation, divisive language, and dehumanizing metaphors that are directed toward specific vulnerable groups.

## MISSION STATEMENT

The UCLA Chicano Studies Research Center supports interdisciplinary, collaborative, and policy-oriented research on issues critical to the Chicano community. The center's press produces books, reports, briefs, media, newsletters, and the leading journal in its field, *Aztlan: A Journal of Chicano Studies*.

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### I Hate Some Niggers & Spics Because they're belligerently Noisy ...

16 posts - Last post: Apr 12, 2008

Jews seem to be moe quiet as a group than niggers, **spics**, or white trash. But **I hate** their guts too, because they rent apartments ...

groups.google.com/group/alt.comedy.standup/browse\_thread/thread/695f9db0963d08c4 - 173k - Cached - Similar pages -

### www.Racist-Jokes.com

www.Racist-Jokes.com. The face of **Hate** on the 'net! Niggers · Gooks · **Spics** ... All the **spics** who can run, jump or swim are in the U.S.! ...

www.racist-jokes.com/index.php?page=**spic** - 18k - Cached - Similar pages -

### Eye On Hate 2 - Jan 23

**I hate** niggers, **spics**, kikes, chinks, and dune coons with an ungodly passion; but what **I hate** even more is a race traitor. We brought the niggers here to ...

www.eyehate.com/msn/msn7.html - 21k - Cached - Similar pages -

### YTMND - I HATE SPICS TOO!!! - Jan 23

author: SkinheadedKKKNaziElite - site profile. vote: image: **SPIC!!!** sound: **SPIC !!!**

keywords: **SPICS FUCK SPICS WHITE POWER FAGGOT SPICS ...**

**spicssuckaswell**.ytmnd.com/ - 6k - Cached - Similar pages -

### i hate spics [Archive] - Vanguard News Network Forum

1 post - Last post: May 5, 2004

[Archive] **i hate spics** Nutzpah Lounge. ... [12:29:59am] <Vile-> stole/conquered over savage **spic** beasts [12:32:06am] <LA|Calif> just like ...

www.vnnforum.com/archive/index.php/t-4568.html - 7k - Cached - Similar pages -

### Racism and the Battle Over Immigration in East Hampton -- New York ...

"**I hate** jewbags, **I hate** niggers, and **I hate** **spics**." Then he turned to the wall behind him, grabbed a long machete-like knife, and started moving toward ...

nymag.com/news/features/22823/index1.html - 59k - Cached - Similar pages -

### Why Do I Hate Spics? « S.P.I.C.S. - Jan 23

Feb 15, 2008 ... You all my ask why do **I hate spics**. Well, for one every **spic** has nigger blood in them, and you all already know **I hate** niggers. ...

dirty**spics**.wordpress.com/2008/02/15/why-do-i-hate-spics/ - 11k - Cached - Similar pages -

### whos worse spics or \*\*\*\*\*? - Brown Pride Forums - Latino Chat ...

10 posts - Last post: Nov 21, 2006

whos worse **spics** or niggers? General Discussion. ... the real then u need to look around u this is real this is life. **hate** it or love it. ...

www.brownpide.us/forum/whos-worse-**spics**-niggers-t2783.html - 106k - Cached - Similar pages -

### niggers and spics.... | Progressive U

And that goes for **spics** and crackers and whomever else you **hate**. I just advise you to be careful with what you say because not everyone thinks in ...

www.progressiveu.org/235256-niggers-and-spics - 67k - Cached - Similar pages -

**i hate spics [Archive] - TribalWar Forums**

**i hate spics.** Alfred Neuman. 03-03-2005, 11:50 AM. seriously, **i hate spics.** funny, i am a **spic.** god damn it, **i hate spics.** well atleast the ones in my area. ...

www.tribalwar.com/forums/archive/t-365361.html - 9k - Cached - Similar pages -

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### White Dade: If I'm a Gringo, Then You're a Spic

May 9, 2007 ... **I hate** condescension. Dane - He Sop was the perfect example of that. ...  
Your obviously an ignorant racist for calling Hispanics "**spics**". ...  
whitedade.blogspot.com/2007/05/if-im-gringo-then-youre-spic.html - 70k -  
Cached - Similar pages -

### OSI Gazette » Blog Archive » McCain's anti-Asian slur

Oct 7, 2008 ... Or "**I hate** those **spics** that stole my job" or "**I hate** those sand niggers that  
killed my brother in Somalia!" or to say "**I hate** them dirty red ...  
officeofstrategicinfluence.com/blog2/202 - 60k - Cached - Similar pages -

### fu to the 2 spics that stole my roady2 - The Unofficial Opie and ...

15 posts - Last post: Oct 8, 2005  
this fu goes to the two **spics** that stole my roady yesterday morning we got your asses on ...  
**I hate spics** even when they dont commit crimes. ...  
https://www.wackbag.com/showthread.php?p=631985 - 94k - Cached - Similar pages -

### YouTube - clinteastwoodcowb0y's Channel

**I hate** the Bastard-Race, the **SPIC**. Go back 2 Europ & take ur Euro languag, ... **I HATE**  
**SPICs!!!** Go back 2 Europe **SPICs!!!** The Spanish crown must take back ...  
www.youtube.com/flag\_user?username=clinteastwoodcowb0y&action=report\_profile\_image  
- 80k - Cached - Similar pages -

### Uncover Reality Forum - View Single Post - I hate fucking spics

Define **spic** please. ... Thread: **I hate** fucking **spics**. View Single Post ... The Best. Join  
Date: Dec 2006. Posts: 4792. Define **spic** please. ...  
forum.uncoverreality.com/268763-post5.html - 14k - Cached - Similar pages -

### Adult Jokes: Spics

Jokes - The Ultimate Joke Directory! - Adult Jokes - **Spics** ... Comment: **I hate** you fucking  
cracker mutherfuckers thats why yall look funny because they fuck ...  
www.dirtyjokesinc.com/joke-adult\_jokes-10969.htm - 20k - Cached - Similar pages -

### If I say Fag, kikes, niggers, crackers, wops, spics, on and on and...

14 posts - Last post: Jun 22, 2008  
If I say Fag, kikes, niggers, crackers, wops, **spics**, ... well i think that when you feel **hate**  
towards them you're just as bad as they are ...  
www.answerbag.com/q\_view/817395 - 70k - Cached - Similar pages -

### / welcome to / thcnet dot net /

8 posts - Last post: Mar 25, 2007  
**I hate** wops, niggers (including wiggers & chiggers), fags, kikes, slants, ragheads, **spics**,  
white trash, nazis, gringos, neo-nazis, oreos, ...  
https://thcnet.net/article/ethical\_statement - 24k - Cached - Similar pages -

### Brazilil - Brazil 24/7 :: View topic - All Brazilian women are ...

8 posts - Last post: Dec 9, 2008  
Brazilian women will f\*\*k anything. Brazilian men rent their wives and daughters out to  
foreign tourists. **I hate SPICS**. Twisted Evil ...

www.brazzilbrief.com/viewtopic.php?p=344689&sid=da5cbe6dbef9520df74410fde6ccee7 - 66k - Cached - Similar pages -

What minority do you hate? (spics/gooks/towelheads/niggers/kyle ...  
Page 2-What minority do you hate? (spics/gooks/towelheads/niggers/kyle bennet) General [M]ayhem.

www.genmay.com/showthread.php?t=567752&page=2 - 89k - Cached - Similar pages -

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Results 31 - 40 of about 45,500 for **i hate spics**. (0.37 seconds)

### Self-righteous Spics (Anthem) lyrics by Arsonists

Send "Self-righteous **Spics** (Anthem)" Ringtone to your Cell. Ringtones ... Wordplay Lyrics · His **Hate**, Her Love Lyrics · Pyromaniac Lyrics · Flashback Lyrics ...  
www.tsrocks.com/a/arsonists\_texts/self-righteous\_spics\_anthem.html - 25k -  
Cached - Similar pages -

### Newbies Only - Player Profile: I HATE SPICS!

Player Profile: **I HATE SPICS!** Not a clan member. No player logo available. Max width is 200 pixels. History Chart. Select Stat: ...  
mattie.info/cs/newbiesonly/player.php?id=14260&ps\_sess\_id=3b02f07bca4196574b9779d4a9fa87e6 - 36k - Cached - Similar pages -

### This is why I hate you filthy, border jumping, spic bastards ...

20 posts - Last post: Mar 29, 2007  
[Archive] This is why **I hate** you filthy, border jumping, **spic** bastards... General Discussion.  
www.tribalwar.com/forums/archive/t-479982.html - 23k - Cached - Similar pages -

### MySpace.com - I HATE SPICS - 31 - Male - NORTH PROVIDENCE, Rhode ...

MySpace profile for **I HATE SPICS** with pictures, videos, personal blog, interests, information about me and more.  
www.myspace.com/118379199 - 58k - Cached - Similar pages -

### ytmnd - you're the man now dog!

spicssuckaswell.ytmnd.com. - SkinheadedKKKNa. **I HATE SPICS** TOO!!! Other keywords for this site: **SPICS** FUCK **SPICS** WHITE POWER FAGGOT **SPICS** ...  
www.ytmnd.com/keyword/Spics - 45k - Cached - Similar pages -

### Go home beaners, tacobellies,pepperbellies,cocksucking,stinking spics

Jan 24, 2009 ... **I hate** all of you,Dads, Moms, Kids, go home you cocksucking, bad breath, mouthfuckers, where you belong, Messico!!!!!!!!!!!!!!!!!!!!1 ...  
dallas.craigslist.org/dal/rnr/1006435825.html - Similar pages -

### Why are hispanics called "spics" and asian "chinks"? - Yahoo! Answers

If I were to call someone a "Giraffe" out of anger or **hate**. ... Actually Puerto Ricans are called **spics** and Chinese are called chinks. ...  
answers.yahoo.com/question/index?qid=20090117171455AAHAvIW - 42k -  
Cached - Similar pages -

### spics > nignogs - Page 3 - Car Forum Misfits

20 posts - Last post: Aug 2, 2007  
Page 3- **spics** > nignogs The Lounge. ... The first page is mainly about why **i hate** geometry and Puerto Ricans, then the last 11 pages go way ...  
www.carforummisfits.com/forums/showthread.php?t=16541&page=3 - 131k -  
Cached - Similar pages -

### Frenchys Pit :: View topic - spics are my friend

Posted: Sun Aug 14, 2005 2:19 am Post subject: **spics** are my friend, Reply with quote ...  
chillie pickers changed name to **I hate** coons\par nick changed ...  
www.frenchys-pit.com/forums/viewtopic.php?t=2235&view=next&sid=

4e66aaf3dbe61e12568205786bfbc079 - 34k - Cached - Similar pages -

**Look At This Spic « S.P.I.C.S.**

There's two things that I hate, spics and niggers! I can't stand neither and I started this new blog. Just like other spic bitches, this bitch is horny and ...

dirtyspics.wordpress.com/2008/02/15/look-at-this-spic/ - 17k - Cached - Similar pages -

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## Uncover Reality Forum - View Single Post - **I hate fucking spics**

Define **spic** please. ... Thread: **I hate fucking spics**. View Single Post ... The Best. Join Date: Dec 2006. Posts: 4792. Define **spic** please. ... forum.uncoverreality.com/268763-post5.html - 14k - Cached - Similar pages -

## DJ Anthony Moussa Joe Giorgio Joey's Christmas - Clubplanet ...

15 posts - Last post: Dec 25, 2002

"Whops, **spics**, niggers, and chinks....they all STINK, and **I HATE EM**" - Dave Chapelle ... **i hate** u. misk's Avatar. Join Date: Feb 2001 ... bbs.clubplanet.com/new-york-new-jersey/135596-dj-anthony-moussa-joe-giorgio-joeys-s-christmas.html - 70k - Cached - Similar pages -

## Ruminations: It's official: **MEChA spics** started CA fires

1)My friend, the Whoremonger, was right, re: **spics** causing the fire because they **hate** Whites; and 2)A CNN **spic**-commentator, Navarette, wrote something ... iranianforaryans.blogspot.com/2007/10/its-official-mecha-spics-started-ca.html - 22k - Cached - Similar pages -

## SPLCenter.org: E-Talk

Apr 11, 2004 ... **I hate** that if I were to mention my beliefs to my dad, he would most likely have another heart attack. **I hate** that **spics** can't drive to save ... www.splcenter.org/intel/intelreport/article.jsp?sid=311 - 47k - Cached - Similar pages -



## YouTube - **I Hate to Love You - (Original Acoustic)**

**I hate** to love you and **I hate** and **I hate**. **I hate** to love you ...

3 min 17 sec - ☆☆☆☆

www.youtube.com/watch?v=umadvCFKOGU -

## **Spics** - forum talks | BoardReader

10 posts - Last post: Jan 8

You know what **I HATE**..... Read thread in new window. Started 1 week ago (2009-01 -11 12:33:00) by jrector. N1ggers and **Spics**. ... boardreader.com/tp/**Spics**.html - 175k - Cached - Similar pages -

## ARSONISTS Lyrics - **SELF-RIGHTEOUS SPICS (ANTHEM)**

"Self-Righteous **Spics** (Anthem)" Lyrics, Arsonists, & 27 more Arsonists lyrics. ... His **hate**, her love · Space junk · Blacklisted. [ Arsonists Lyrics ] ... www.mp3lyrics.org/a/arsonists/self-righteous-spics-anthem/ - 38k - Cached - Similar pages -

## Arsonists lyrics :: Arsonists Self-Righteous **Spics** (Anthem) lyrics

Arsonists His **Hate**, Her Love lyrics · Arsonists Language Arts lyrics ... You're now at Arsonists Self-Righteous **Spics** (Anthem) lyrics lyrics page ... www.musicsonglyrics.com/A/arsonistslyrics/arsonistsselfrighteousspicsanthemlyrics.htm - 16k - Cached - Similar pages -

## [PDF] **SPICS SPANK SPOOKS**

File Format: PDF/Adobe Acrobat - View as HTML

Oct 26, 2007 ... the jig, the leader told him to just shoot any nigger," Baca says. "I. disagree

that it wasn't a **Hate** Crime." . **SPICS** SPANK SPOOKS ...  
newsgroups.derkeiler.com/pdf/Archive/Soc/soc.culture.african.american/2007-  
10/msg00214.pdf - Similar pages -

**Dear Whites - Stormfront**

10 posts - Last post: Jul 5, 2008

I don't **hate** people just because they are "**spics**". .... 2. I don't **hate** you for being a "**spic**",  
but I don't want you in my nation. ...

www.stormfront.org/forum/showthread.php?t=503497 - 109k - Cached - Similar pages -

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## APPENDIX C

### More Examples of Hate Crimes Against Latinos

- In August 2007, Victor Hernandez was kicked into unconsciousness by teenagers who robbed him of \$160 while he was walking home from work in Montgomery County, Maryland. The two teens arrested told police they were “amigo shopping” – looking for vulnerable Hispanic workers to rob. Following the attack, *The Washington Post* reported on “alarmingly common” anti-immigrant crimes in the area of Washington, D.C., and its suburbs. Police from Montgomery County and other neighboring counties told the newspaper that the majority of local robbery victims since 2006 have been Latino.
- Also in August 2007, Felipe Alvarado was taunted with racist threats and then attacked by three men, one carrying a loaded gun, in Garden Grove, California. The men were arrested and charged with felony assault with hate crime enhancements for allegedly beating Alvarado after yelling, among other things, “Go back to Mexico, you wetback!”
- In September 2006, Carlos Rivera, was stabbed multiple times and robbed in Hampton Bays, New York, by two men who yelled racial epithets during the attack.
- A day earlier, in a Louisville, Kentucky, suburb, a cross was burned on the lawn of Nelson Espinoza next to a sign reading, “My country maybe, my neighborhood NO WAY!!!”
- In August 2006, a man shot two Latino men in the legs as they fished near Hahnville, Louisiana. Witnesses said the shooter announced he was going to “shoot some Mexicans” before pulling out a shotgun.
- In July 2006, Jordan Gruver, a 16-year-old boy of Panamanian and Native-American descent, was attacked in Bradenburg, Kentucky, by members of a Ku Klux Klan group because the Klansmen mistakenly thought he was an illegal Latino immigrant. The men called the boy a “spic,” and then beat him severely, leaving him with two cracked ribs, a broken left forearm, and jaw injuries requiring extensive dental repair.
- In June 2006, Miguel Vega, a native of Peru, was attacked and murdered by five men who also stole his wallet, in Yonkers, New York. An investigation found that they specifically sought a Mexican to rob that night.
- In the same month, in Rocky Point, New York, two Mexican men fishing at a jetty were asked for their green cards, and then beaten and robbed by four teenagers posing as federal agents. The teens took money from the victims while accusing them of stealing jobs from U.S. citizens.
- In April 2006, a high school student identified only as Felipe was attacked in Salt Lake City, Utah while walking to school by two white men who called him a “stupid wetback” and told him: “Go back to your country, you don’t belong here.”
- Also in April 2006, 16-year-old David Ritcheson, a Mexican American, was attacked by skinheads at a house party after he allegedly tried to kiss a white girl. The attackers broke his jaw and knocked him unconscious while screaming, “White power!” and calling Ritcheson a “spic” and a “wetback.” The attackers then burned Ritcheson with cigarettes, kicked him with steel-toed boots, attempted to carve a swastika into his chest, poured bleach on him, and violently sodomized him with a patio umbrella pole. Ritcheson underwent 30 surgeries before he was able to return to school, still confined to a wheelchair and wearing a colostomy bag. A year after the

attack, Ritcheson heart wrenchingly testified before the U.S. House of Representative's Judiciary Committee, recalling the horrific experience for lawmakers considering strengthening federal hate crime laws. Three months later, Ritcheson committed suicide.